

Exhibit 25:  
Morris Deposition Transcript,  
pages 140-159



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Transcript of the Testimony of  
**Morris, Narcisa**

**Date:** January 25, 2023

**Volume:**

**Case:** JOHN DOES A, et al. v. GRETCHEN WHITMER, et al.

Printed On: February 10, 2023

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<p>1 they move interstate, correct?</p> <p>2 A. Yes.</p> <p>3 Q. How do they fulfill that registration obligation?</p> <p>4 A. In our state, we have state statute to support that</p> <p>5 registration requirement.</p> <p>6 Q. So they have to register under the state registration</p> <p>7 system, correct?</p> <p>8 A. Correct.</p> <p>9 Q. There's not like a federal registry that they can</p> <p>10 register in?</p> <p>11 A. Not to my knowledge, no.</p> <p>12 Q. Okay. I saw some references to the NSOR database,</p> <p>13 what is that?</p> <p>14 A. I'm sorry, I need more content.</p> <p>15 Q. I've seen some references in the documents to a</p> <p>16 National Sex Offender Registry database. Are you</p> <p>17 familiar with what that is?</p> <p>18 A. Can you expand more? Was there more with that? It's</p> <p>19 not bringing anything to my recall.</p> <p>20 Q. Okay. I'll maybe on a break see if I can find a</p> <p>21 document.</p> <p>22 A. Okay.</p> <p>23 Q. So if somebody is removed from the registry in</p> <p>24 Michigan, maybe there's a court order that they get</p> <p>25 removed, do you communicate that in any way to the</p> <p style="text-align: center;">Page 137</p>	<p>1 federal government?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. Would they be removed from the national registry?</p> <p>4 A. Yes.</p> <p>5 Q. How does that happen?</p> <p>6 A. It's automatic, behind the scenes.</p> <p>7 Q. So let's take after the 2020 law changes, there were</p> <p>8 individuals who were under the Holmes Youthful Trainee</p> <p>9 Act. Are you familiar with the Holmes Youthful</p> <p>10 Trainee Act?</p> <p>11 A. Yes.</p> <p>12 Q. And some of those individuals came off the registry</p> <p>13 after the 2021 law changes, correct?</p> <p>14 A. I wasn't a participant, so.</p> <p>15 Q. You weren't personally involved in removing</p> <p>16 individuals?</p> <p>17 A. Correct. I know something happened, I just don't know</p> <p>18 the reason or the details around it.</p> <p>19 Q. Okay. Sure. Are you -- did you -- but you're aware</p> <p>20 that there were people that were removed as a result</p> <p>21 of the 2021 law changes around HYTA?</p> <p>22 A. I know that there were people removed regarding HYTA.</p> <p>23 Q. Okay. Would those individuals then also come off the</p> <p>24 federal registry?</p> <p>25 A. They would come -- they -- if they come off our</p> <p style="text-align: center;">Page 138</p>
<p>1 registry, they come off the public's -- National</p> <p>2 Public Sex Offender Registry.</p> <p>3 Q. Okay. Let's say that that person still has -- a</p> <p>4 person who's under the Holmes Youthful Trainee Act</p> <p>5 still has an obligation to register under federal law,</p> <p>6 how would the person do that?</p> <p>7 A. I don't know.</p> <p>8 MR. JAMISON: Objection, lack of</p> <p>9 foundation.</p> <p>10 BY MS. AUKERMAN:</p> <p>11 Q. So you don't know how a person could register if</p> <p>12 they're not on the federal registry -- excuse me.</p> <p>13 If someone is removed from Michigan's</p> <p>14 registry, you're not aware of a way for them to</p> <p>15 register, correct?</p> <p>16 A. Correct.</p> <p>17 Q. What about -- let's talk about the pre-2011</p> <p>18 registrants for a second. So one of the changes that</p> <p>19 was made in March of 2021 was that the pre-2011</p> <p>20 registrants don't have to report internet identifiers,</p> <p>21 is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. So if a person were required to report that under</p> <p>24 federal law, how could they report that?</p> <p>25 A. I don't know.</p> <p style="text-align: center;">Page 139</p>	<p>1 Q. Let's talk about out-of-state offenses, which is kind</p> <p>2 of confusing, at least to me. I'm hoping you can help</p> <p>3 me understand it. Can you explain how you determine</p> <p>4 the registration requirements for people with</p> <p>5 out-of-state offenses?</p> <p>6 A. If it's an out-of-state offense that we've encountered</p> <p>7 before, legal has already provided guidance on what</p> <p>8 the tier should be, they're already in our system. If</p> <p>9 it's something we haven't encountered before, we pass</p> <p>10 that through legal for a case by case review.</p> <p>11 Q. Okay.</p> <p>12 MS. AUKERMAN: So let's take a look at an</p> <p>13 exhibit here. This is Bates 723, Exhibit 9.</p> <p>14 MARKED FOR IDENTIFICATION:</p> <p>15 DEPOSITION EXHIBIT 9</p> <p>16 1:23 p.m.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. Can you tell me what this is?</p> <p>19 A. Out-of-state adult conviction flowchart.</p> <p>20 Q. So can you walk me through how this works.</p> <p>21 A. It's like following the prompts. You answer the</p> <p>22 questions to know where you go next for an</p> <p>23 out-of-state conviction -- an out-of-state offense.</p> <p>24 Now these are our offenses that have</p> <p>25 already been identified. However, there was a change</p> <p style="text-align: center;">Page 140</p>

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<p>1 in policy applicability of when we use our duration</p> <p>2 versus the state's duration because the language in</p> <p>3 statute. And so, this helped us determine that.</p> <p>4 Q. Can you explain that. I'm sorry, go ahead.</p> <p>5 A. So there are --</p> <p>6 Q. Go ahead.</p> <p>7 A. So there is -- it -- this essentially helps us</p> <p>8 determine whether we're using our state duration based</p> <p>9 on that conviction or if -- that similar conviction or</p> <p>10 if it would have been their state duration. And</p> <p>11 again, these are for convictions that have already</p> <p>12 been identified in the system.</p> <p>13 Q. Okay. So let me make sure, because it's a -- to me</p> <p>14 it's a confusing flowchart -- make sure I'm</p> <p>15 understanding you correctly.</p> <p>16 So if someone has an offense that's not</p> <p>17 comparable to Michigan registration statute, so we're</p> <p>18 here on this first box, go no, okay. They still have</p> <p>19 to register if the state requires -- if their state of</p> <p>20 conviction requires registration, correct?</p> <p>21 A. If their state of conviction requires registration,</p> <p>22 yes.</p> <p>23 Q. So you could have -- if the -- if the state of</p> <p>24 registration -- it doesn't matter if comparable to a</p> <p>25 Michigan offense if the state of registration -- if</p> <p style="text-align: center;">Page 141</p>	<p>1 the -- if -- it doesn't matter if it's comparable to a</p> <p>2 Michigan offense; if the convicting jurisdiction</p> <p>3 requires registration, you have to register, correct?</p> <p>4 A. Say that again.</p> <p>5 Q. If the convicting jurisdiction requires registration,</p> <p>6 the person has to register in Michigan even if it's</p> <p>7 not comparable to a Michigan conviction?</p> <p>8 A. So one way or the other, yeah, if their jurisdiction</p> <p>9 requires them to register, they would have to</p> <p>10 register.</p> <p>11 Q. So, for example, if you had indecent exposure, that's</p> <p>12 not a registrable offense in Michigan. If it's a</p> <p>13 registrable offense in, I don't know, Georgia, the</p> <p>14 person would still have to register in Michigan?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Okay. So let's say the convicting -- the</p> <p>17 offense -- excuse me.</p> <p>18 Let's say -- well, let's say the convicting</p> <p>19 state doesn't require registration -- a comparable --</p> <p>20 I found this chart very confusing.</p> <p>21 If it's comparable to a Michigan adult</p> <p>22 conviction, but the state -- convicting state doesn't</p> <p>23 require registration, would the person have to</p> <p>24 register?</p> <p>25 A. Say that again, I'm sorry.</p> <p style="text-align: center;">Page 142</p>
<p>1 Q. So let's take an offense that the convicting state</p> <p>2 doesn't require registration. But if comparable to a</p> <p>3 Michigan offense, as I read this looking at this top</p> <p>4 line along the flowchart, it looks like they would --</p> <p>5 they could still have to register in Michigan?</p> <p>6 A. They could, yes.</p> <p>7 Q. Okay. And so, let's take someone who is -- who has --</p> <p>8 that's an offense that's comparable to a Michigan</p> <p>9 conviction, but it's not a tier III offense. It's</p> <p>10 tier I or tier II offense. As I read this chart, the</p> <p>11 registration duration would be whichever is longer,</p> <p>12 the convicting state or Michigan, is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let's go on to the next page for out-of-state juvenile</p> <p>15 adjudications. Can you sort of summarize how juvenile</p> <p>16 adjudications are handled for out of state?</p> <p>17 A. Let me think about this for a minute. So again, this</p> <p>18 is trying to figure out -- because we had that change</p> <p>19 where we could go on either duration. This was</p> <p>20 helping us identify the duration, when to use our</p> <p>21 duration requirements or the other state's.</p> <p>22 Q. When you mentioned we had that change about duration,</p> <p>23 when was that?</p> <p>24 A. I don't know off the top of my head.</p> <p>25 Q. Was it while you were in the unit?</p> <p style="text-align: center;">Page 143</p>	<p>1 A. Correct.</p> <p>2 Q. While you were manager?</p> <p>3 A. Correct.</p> <p>4 Q. Was there a memo or directive or written guidance of</p> <p>5 any kind about that durational change?</p> <p>6 A. Received communication, I believe, I don't know if it</p> <p>7 was formal or it was just a change in process of what</p> <p>8 we've been doing. And so, then we were told we were</p> <p>9 supposed to do it this way. But it was new to us so</p> <p>10 we needed to somehow write it down to keep track of</p> <p>11 it.</p> <p>12 Q. Who made that decision to change the durational</p> <p>13 requirements?</p> <p>14 A. MSP legal.</p> <p>15 Q. Okay.</p> <p>16 MS. AUKERMAN: We're going to want whatever</p> <p>17 communications or directive was provided to the staff.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. If I'm understanding this chart -- this flowchart</p> <p>20 correctly, if it's not comparable to a Michigan</p> <p>21 juvenile adjudication, the person still has to</p> <p>22 register if the adjudicating state requires</p> <p>23 registration, correct?</p> <p>24 A. Correct.</p> <p>25 Q. If the adjudicating state requires registration of, I</p> <p style="text-align: center;">Page 144</p>

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<p>1 don't know, some offense that we don't consider an</p> <p>2 offense here, a juvenile would still -- if the</p> <p>3 juvenile has to register in the other state, they'd</p> <p>4 still have to register in Michigan?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. If it is comparable to a Michigan juvenile</p> <p>7 adjudication and in Michigan -- a Michigan juvenile</p> <p>8 only registers if they're over fourteen, correct?</p> <p>9 A. Correct.</p> <p>10 Q. But if the adjudicating state requires registration</p> <p>11 and the person is under thirteen, the person would</p> <p>12 still be required to register in Michigan, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So if you had an eight-year-old that was required to</p> <p>15 register in Georgia for juvenile adjudication, they</p> <p>16 would have to register in Michigan?</p> <p>17 A. Correct. That's how I understand it.</p> <p>18 Q. And in Michigan only tier III offenses require</p> <p>19 registration for juveniles, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. But if the -- if the offense is not a tier III,</p> <p>22 if it's a tier I or tier II, but the adjudicating</p> <p>23 state requires registration, the person would still</p> <p>24 have to register in Michigan?</p> <p>25 A. Correct. They may still have to register in Michigan,</p> <p style="text-align: center;">Page 145</p>	<p>1 correct.</p> <p>2 Q. So at the bottom of these charts it says consult with</p> <p>3 an -- if the code is not listed, consult with an</p> <p>4 analyst. Who gets consulted?</p> <p>5 A. I'm sorry?</p> <p>6 Q. It says consult with an analyst. Who's the analyst</p> <p>7 that's being consulted here?</p> <p>8 A. Our analysts, one of our four analysts.</p> <p>9 Q. Okay. We received a bunch of documents that were</p> <p>10 communications with MSP legal about trying to figure</p> <p>11 out whether certain offenses were comparable to</p> <p>12 Michigan offenses. When is legal brought in to those</p> <p>13 decisions?</p> <p>14 A. If it's an offense we've never encountered before, so</p> <p>15 it's not already captured, then we would move that on</p> <p>16 up the chain of -- to MSP legal. Or if for some</p> <p>17 reason it just isn't making sense to us or we just</p> <p>18 don't feel comfortable or we feel there's something</p> <p>19 questionable about the situation, then we would pass</p> <p>20 that to legal.</p> <p>21 Q. For offenses you haven't encountered before, do</p> <p>22 different analysts have -- sometimes have different</p> <p>23 perspectives on what the comparable Michigan offense</p> <p>24 is?</p> <p>25 MR. JAMISON: Objection, lack of</p> <p style="text-align: center;">Page 146</p>
<p>1 foundation.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. You can answer.</p> <p>4 A. Are you -- will you ask the question again.</p> <p>5 Q. So -- yeah. So when you encounter an offense that you</p> <p>6 haven't come across before and you're trying to figure</p> <p>7 out what -- whether it's comparable to a Michigan</p> <p>8 offense, do different analysts sometimes come to</p> <p>9 different conclusions about whether it's comparable to</p> <p>10 a Michigan offense?</p> <p>11 A. No. Because they don't do that. They're just looking</p> <p>12 to see if there isn't something that already -- if</p> <p>13 it's a new one, they go through legal. We don't make</p> <p>14 those decisions at this level. These are ones that we</p> <p>15 already had in the system that now we had to apply the</p> <p>16 new process to.</p> <p>17 Q. Let me make sure I understand this. This chart is --</p> <p>18 this isn't for -- this only relates to ones that are</p> <p>19 already in the flowchart?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So then you would say look, it's --</p> <p>22 A. It's already been identified.</p> <p>23 Q. Uh-huh. And then you would go through the flowchart.</p> <p>24 Okay. Correct? That's when you'd go through the</p> <p>25 flowchart, correct?</p> <p style="text-align: center;">Page 147</p>	<p>1 A. Correct.</p> <p>2 Q. Who makes the decision about whether an out-of-state</p> <p>3 process is equivalent to a juvenile adjudication?</p> <p>4 A. I'm sorry, can you ask the question again.</p> <p>5 Q. So different states have different ways of treating</p> <p>6 juveniles of -- different deferral programs, things</p> <p>7 like that.</p> <p>8 Who makes the decision that say, you know,</p> <p>9 a Georgia program is comparable to the Holmes Youthful</p> <p>10 Trainee Act?</p> <p>11 A. If it -- it's not clearly communicated from that other</p> <p>12 state, we don't -- we would send it to legal to</p> <p>13 review. We don't determine that.</p> <p>14 Q. So what kind of documents do you get in order for</p> <p>15 legal to make those decisions?</p> <p>16 A. We try to ascertain any conviction documentation,</p> <p>17 police reports.</p> <p>18 Q. Why do you get the police reports?</p> <p>19 A. Just sometimes there's age -- age is captured for</p> <p>20 victim; that is -- doesn't always come across in some</p> <p>21 of the convicting documentation.</p> <p>22 Q. Is the comparison based on -- the comparison for the</p> <p>23 out-of-state offense, is that based on the -- what the</p> <p>24 person was convicted of? Or what the -- what the</p> <p>25 allegations in the documents are?</p> <p style="text-align: center;">Page 148</p>

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<p>1 A. I don't -- I can't answer that. I don't know.</p> <p>2 MS. AUKERMAN: Let's look at another</p> <p>3 document here. This is going to be the PACC code</p> <p>4 table. This is Exhibit 10.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 10</p> <p>7 1:38 p.m.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. Do you recognize this document?</p> <p>10 A. I don't see anything yet.</p> <p>11 Q. I apologize. Can you see that now. Do you recognize</p> <p>12 this document?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And can you explain how -- what this is -- is</p> <p>15 -- let me stop.</p> <p>16 Can you tell us what this is?</p> <p>17 A. This is what populates our tier table in MSOR.</p> <p>18 Q. When you say populates our tier table, what do you</p> <p>19 mean by that?</p> <p>20 A. The crime codes that are in MSOR, this is how we -- we</p> <p>21 communicate them. We get information. Like if there</p> <p>22 was a similar -- similar offense, then if we got</p> <p>23 information from legal saying that it was, we would</p> <p>24 fill this out. We would send it to our vendor. And</p> <p>25 then the vendor would use this to add it to the tier</p> <p style="text-align: center;">Page 149</p>	<p>1 table in MSOR.</p> <p>2 Q. So if someone comes in with Arkansas eleven forty-one</p> <p>3 four twenty offense, if that's in MSOR, that would</p> <p>4 automatically populate?</p> <p>5 A. If it's in here, it's in MSOR. These are ones we've</p> <p>6 already encountered. We've already determined whether</p> <p>7 it's published, their tier, you know, based on</p> <p>8 whatever the criteria might be.</p> <p>9 Q. What does CRR mean?</p> <p>10 A. That is a national -- the NCIC, that is a designation</p> <p>11 within NCIC regarding the -- it being the type of sex</p> <p>12 offense.</p> <p>13 Q. Okay. And then the next column here is tier level,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. How -- I see a bunch of these are blank. What does</p> <p>17 that mean that they are blank?</p> <p>18 A. Is there anything to the right of it?</p> <p>19 Q. No.</p> <p>20 A. I'm not sure.</p> <p>21 Q. Okay.</p> <p>22 A. I'm guessing because it needs to be evaluated</p> <p>23 dependent -- I'm guessing it would be something -- if</p> <p>24 we got one of those, we would have to give it to legal</p> <p>25 to review. Because each time it could be</p> <p style="text-align: center;">Page 150</p>
<p>1 circumstantial -- not circumstantial -- but it could</p> <p>2 be circumstances that need to be reviewed by them.</p> <p>3 Q. So like for all these we have here starting on line</p> <p>4 fifty-seven a whole bunch of Alabama offenses that</p> <p>5 there's no tier level for. So those would not yet</p> <p>6 have been reviewed by legal?</p> <p>7 A. I'm saying they probably have been reviewed by legal,</p> <p>8 but because of the way the statute is written, it may</p> <p>9 need to be something reviewed each time. It's not</p> <p>10 something we can just say it's always going to be this</p> <p>11 or that.</p> <p>12 Q. So what you're saying is there's some offenses where</p> <p>13 you can't tell from the language of the statute</p> <p>14 whether or not a person is tier I, tier II, tier III,</p> <p>15 and so they're going to have to be individually</p> <p>16 reviewed?</p> <p>17 A. That is my best guess.</p> <p>18 Q. Okay. So then there's column O, it says publish</p> <p>19 single offense. What does that mean?</p> <p>20 A. That they only have to have one offense and they're</p> <p>21 published.</p> <p>22 Q. And if that's blank, what does that mean?</p> <p>23 A. Again, it hasn't been determined.</p> <p>24 Q. Okay. And then there's a column here for approved by</p> <p>25 MSP legal. What does that mean?</p> <p style="text-align: center;">Page 151</p>	<p>1 A. Can you click the arrow, please, the filter.</p> <p>2 Q. I don't know that I can because I don't have the</p> <p>3 passwords to go in. But you can kind of see that it's</p> <p>4 blank.</p> <p>5 A. They're not all blank.</p> <p>6 Q. They're almost all blank.</p> <p>7 A. So right there, they should say yes. And then if it</p> <p>8 was comparable to the code, I guess, I don't know.</p> <p>9 Q. Okay.</p> <p>10 A. It looks like it's been over the years used for</p> <p>11 different reasons.</p> <p>12 Q. Okay. And then I see that -- so but -- but most of</p> <p>13 these are blank whether or not they've been approved.</p> <p>14 If we scroll down here, we can see on column R that</p> <p>15 almost all of them are blank, correct?</p> <p>16 A. I see that.</p> <p>17 Q. Okay. And the comparable Michigan code, what is that</p> <p>18 column supposed to be for?</p> <p>19 A. I don't know that we've updated it from before to now.</p> <p>20 So I don't know what it means.</p> <p>21 Q. Okay. But you agree that most of these -- there's not</p> <p>22 a comparable Michigan code listed for most of these</p> <p>23 offenses?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know if that's because there isn't a -- when we</p> <p style="text-align: center;">Page 152</p>

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<p>1 go back to the flowchart, right, whether or not</p> <p>2 something is a comparable Michigan offense is the</p> <p>3 first thing you have to figure out.</p> <p>4 So the fact that these are blank, does that</p> <p>5 mean that there's not a comparable Michigan offense?</p> <p>6 A. I don't know that.</p> <p>7 Q. How would the analyst know whether there's a</p> <p>8 comparable Michigan offense if it's not marked in this</p> <p>9 chart?</p> <p>10 A. They don't use this chart to do that. They use what's</p> <p>11 in MSOR.</p> <p>12 Q. Does MSOR have a field for comparable offense?</p> <p>13 A. No. But whatever the tier is, is how we kind of</p> <p>14 figure it out. Obviously, if it's another state and</p> <p>15 they're not using tiers or something, we don't look at</p> <p>16 that.</p> <p>17 Q. So how do I -- how would I figure out what -- let's</p> <p>18 take -- I don't know. Here, let's just take -- D.C.,</p> <p>19 second degree child abuse, tier III; how do I know</p> <p>20 what the comparable Michigan offense is? Where is</p> <p>21 that -- where's that kept?</p> <p>22 A. We don't keep that. I don't know. We don't keep</p> <p>23 that.</p> <p>24 Q. Does anybody keep that?</p> <p>25 A. Not that I'm aware of.</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. Okay. So but at some point there was a determination</p> <p>2 made that this D.C. twenty-two three oh oh nine</p> <p>3 offense is comparable to some Michigan offense that</p> <p>4 requires tier III registration, correct?</p> <p>5 A. I know that it was designated as a tier III if the</p> <p>6 victim was one through twelve.</p> <p>7 Q. I guess what I'm trying to get at is it seems like</p> <p>8 whether or not something is comparable to a Michigan</p> <p>9 offense is pretty foundational to how that person is</p> <p>10 classified, correct?</p> <p>11 MR. JAMISON: Objection, vague.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. You can answer.</p> <p>14 A. I'm not sure of your question.</p> <p>15 Q. Okay. Let's go back to the prior document.</p> <p>16 MR. JAMISON: Can we take five minutes.</p> <p>17 She's saying she needs a break. Is that okay?</p> <p>18 MS. AUKERMAN: Yeah, that's fine. I'm</p> <p>19 trying to confirm that we're not communicating with</p> <p>20 the witness.</p> <p>21 MR. JAMISON: Mariam, I'm not telling my</p> <p>22 witness how to answer questions.</p> <p>23 MS. AUKERMAN: Okay.</p> <p>24 MR. JAMISON: I said that at the beginning</p> <p>25 of the deposition. If her and I want to communicate</p> <p style="text-align: center;">Page 154</p>
<p>1 about whether or not she needs a break, that's totally</p> <p>2 permissible. We'd like to take ten minute and we'll</p> <p>3 reconvene at 2:00.</p> <p>4 MS. AUKERMAN: That's fine.</p> <p>5 MR. JAMISON: Do you have any idea how much</p> <p>6 longer you're going to need?</p> <p>7 MS. AUKERMAN: I think we're going to need</p> <p>8 the rest of the day.</p> <p>9 MR. JAMISON: You're going to take the full</p> <p>10 seven hours?</p> <p>11 MS. AUKERMAN: Yes, I am, likely. We'll</p> <p>12 see how it's -- let's off the record.</p> <p>13 (Off the record 1:48 p.m.)</p> <p>14 (Back on the record at 2:02 p.m.)</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. Just a couple more questions on the sort of</p> <p>17 out-of-state offenses, really just one more. I read</p> <p>18 in the documents that you don't do predeterminations,</p> <p>19 is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. The unit does predeterminations for law enforcement,</p> <p>22 correct? Like for an out-of-state registry?</p> <p>23 A. That was a new process change. So the only ones we do</p> <p>24 that for are like ICOTS and MDOC, which is the</p> <p>25 transfer.</p> <p style="text-align: center;">Page 155</p>	<p>1 Q. So you would -- the MDOC, if they want to know whether</p> <p>2 someone is a past registrant, you would make -- based</p> <p>3 on out-of-state conviction, you would make that</p> <p>4 predetermination, correct?</p> <p>5 A. Yeah. ICOTS is part of the MDOC. So that's what I'm</p> <p>6 referring to, yes.</p> <p>7 Q. Okay.</p> <p>8 A. Because when they're having people transferring from</p> <p>9 other states.</p> <p>10 MS. AUKERMAN: Let me share one more</p> <p>11 document here. This is one of the policy manuals. I</p> <p>12 believe we're on Exhibit 11. This is Bates 775.</p> <p>13 MARKED FOR IDENTIFICATION:</p> <p>14 DEPOSITION EXHIBIT 11</p> <p>15 2:03 p.m.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. Do you recognize this document?</p> <p>18 A. Can you go to the top, please.</p> <p>19 Q. Sure.</p> <p>20 A. Okay.</p> <p>21 Q. Do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And I just note here it says that in the --</p> <p>24 this we're now on page Bates 776. It says that</p> <p>25 there's no predeterminations made, correct, for</p> <p style="text-align: center;">Page 156</p>

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<p>1 registrants?</p> <p>2 A. Uh-huh.</p> <p>3 Q. And that there are predeterminations made for the MDOC</p> <p>4 or for a court, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And then the highlighted language here says the</p> <p>7 offender shall be provided with the resources needed</p> <p>8 to make the determination. What resources are</p> <p>9 provided to registrants moving in out of state to make</p> <p>10 that determination?</p> <p>11 A. Referencing the state statute, the registrable</p> <p>12 offenses.</p> <p>13 Q. So the registrant will be told you can look at your</p> <p>14 out-of-state conviction and you can look at the</p> <p>15 Michigan conviction and --</p> <p>16 A. And consult an attorney.</p> <p>17 Q. And consult an attorney. But they're not provided</p> <p>18 with the chart --</p> <p>19 A. No.</p> <p>20 Q. -- or anything like that?</p> <p>21 So they would have to try to figure out</p> <p>22 themselves whether something is substantially similar</p> <p>23 to a Michigan offense, correct?</p> <p>24 A. I guess correct, yes.</p> <p>25 Q. All right. Let's talk about -- one last question on</p> <p style="text-align: center;">Page 157</p>	<p>1 that, is there a role for the registrant's attorney in</p> <p>2 determining what is substantially similar?</p> <p>3 Like is there an appeals process or</p> <p>4 anything that -- the registrant or attorney can do to</p> <p>5 say, you know, I don't think it's substantially</p> <p>6 similar to this. I think it's substantially not</p> <p>7 similar. Is there -- what's the process, if any?</p> <p>8 A. So I have actually had that happen, and I've referred</p> <p>9 to legal, MSP legal.</p> <p>10 Q. So the registrant or their attorney would need to</p> <p>11 contact MSP legal?</p> <p>12 A. No. They don't contact them, they contact us. The</p> <p>13 attorney, if they have issue with it, they contact us.</p> <p>14 And we can tell them that we can refer to our legal</p> <p>15 for a review. But typically that's after they have</p> <p>16 already been determined a certain tier.</p> <p>17 Q. But if the registrant's attorney says I disagree, I</p> <p>18 think this is tier II and not tier III, what happens?</p> <p>19 A. For someone who's already registered?</p> <p>20 Q. Yeah. The person has been registered and told you're</p> <p>21 tier III and the attorney says no, I think this is</p> <p>22 more comparable to a tier II offense, what happens?</p> <p>23 A. They usually send something to our group email and we</p> <p>24 advise them that we are forwarding to legal for</p> <p>25 review.</p> <p style="text-align: center;">Page 158</p>
<p>1 Q. Right. And then if legal says nope, we think this</p> <p>2 person is a tier III, what happens?</p> <p>3 A. I don't know. That -- usually we respond. I haven't</p> <p>4 had anything come back. I've only had that experience</p> <p>5 once.</p> <p>6 Q. Okay. Let's talk about the non-sex offense cases.</p> <p>7 Are you familiar with registration requirements for</p> <p>8 people who are not convicted of a sex offense?</p> <p>9 A. Somewhat.</p> <p>10 Q. Can you describe what you know.</p> <p>11 MR. JAMISON: Objection, vague.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. Can you describe who has to register for a non-sex</p> <p>14 offense?</p> <p>15 A. What I've learned thus far is the Lymon, in three</p> <p>16 instances of Lymon; child enticement, kidnapping, and</p> <p>17 unlawful imprisonment.</p> <p>18 Q. What about out-of-state offenses?</p> <p>19 A. What about?</p> <p>20 Q. Are there out of state -- are there people with</p> <p>21 out-of-state non-sex offenses that are required to</p> <p>22 register in Michigan?</p> <p>23 A. I don't know. I don't -- I've not been instructed or</p> <p>24 had to look at that thus far.</p> <p>25 Q. So if someone had a kidnapping offense in Ohio, would</p> <p style="text-align: center;">Page 159</p>	<p>1 that be considered substantially similar to kidnapping</p> <p>2 in Michigan?</p> <p>3 A. If it -- I would follow the typical rule. If for some</p> <p>4 reason that's something that we are directed to start</p> <p>5 addressing, we would address it.</p> <p>6 Q. Okay. So you're familiar with the Michigan Court of</p> <p>7 Appeals called People v. Lymon, correct?</p> <p>8 A. Correct.</p> <p>9 Q. What's happening in response to Lymon within the SOR</p> <p>10 unit?</p> <p>11 A. As we've been directed, we are providing communication</p> <p>12 to prosecutors, law enforcement, and courts advising</p> <p>13 of specific individuals with those offenses -- those</p> <p>14 offenses only -- and asking them to review and</p> <p>15 determine if a sexual component existed -- existed.</p> <p>16 And that if we don't get any response or determined</p> <p>17 that there was none, they are being removed from the</p> <p>18 registry. That we need to hear from them.</p> <p>19 Q. So when you say you've been providing communication,</p> <p>20 when -- when did that occur?</p> <p>21 A. So the first one, I believe, went out in November, I</p> <p>22 think. And then we just sent another here in January,</p> <p>23 a reminder.</p> <p>24 Q. When you say the first one, what do you mean?</p> <p>25 A. The notice to PAAM, the courts, law enforcement,</p> <p style="text-align: center;">Page 160</p>

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